



**STATEMENT
of the Reform Support Network
on the Principles of Local Elections in Ukraine**

We, representatives of nine civil society organisations, united into the Reform Support Network, express our deep concern about the situation which has developed around the announcement of the date for the next local elections, as well as about the quality of legal regulation of elections campaigns at the local level.

On 20 October 2009, the Verkhovna Rada of Ukraine announced the next local elections on 30 May 2010, but on 16 February 2010, the parliament cancelled its decision.

The Reform Support Network agrees that the legislation on local elections is far from being perfect, and in particular the following elements need to be essentially revised: the election systems used for the recent local elections; the list of the subject entitled to nominate candidates for local elections; the procedure used for the formation of election commissions etc. The quality of legislation on local elections is essentially lagging behind the quality of legal regulation of the parliamentary elections, which threatens the possibility of conducting such local elections in strict compliance with international standards.

At the same time, we stress that cancellation of the date of already announced regular local elections directly contradicts the Basic Law of the Ukraine, whatever arguments are used to support this decision. This is also confirmed by the Ruling of the Constitutional Court of Ukraine No. 14-рп/2009 of 10 June 2009, in which the Court stressed that the Verkhovna Rada cannot cancel elections, and thus cancellation or postponement of local elections is nothing else but violation of the citizens' election rights.

We also stress the fact that lack of clarity about the date of local elections will soon generate the problem of legitimacy of the decisions made by local self-governance bodies upon the expiry of the term of their powers established by the Constitution.

The problems of legal regulation of local elections are not limited only to the quality of the Local Elections Law and discussions among politicians around the date of the next regular elections. The Reform Support Network also points out to a number of other urgent problems, which need to be immediately solved, in particular through amendment of the Constitution.

The Reform Support Network supports the parliament's concern about the problem of legal regulation of local elections, which is among other evidenced by the announcement of parliamentary hearings on Reform of Ukraine's Legislation on Local Elections in the Interests of Territorial Communities which are supposed to take place on 12 May 2010.

Since local elections represent one of the most important forms of direct exercise of power by the citizens of Ukraine and an efficient tool for the renewal of political elites both at the local, and the general national level, the Reform Support Network calls on the Verkhovna Rada of Ukraine to take the following steps:

1. To announce without delay the date of the regular local elections in accordance with the Constitution of Ukraine and the Ruling of the Constitutional Court of Ukraine No. 14-рп/2009 of 10 June 2009;
2. To take measures to expedite approval of Bill No. 4177 of 3 March 2010 on Amendment of the Constitution of Ukraine as concerns the unification of the terms of powers of local councils and their chairmen, and to define the term of powers of members and chairmen of local councils starting with the date of the regular, rather than special local elections;

3. To take measures to prevent the concurrent conduct of the nationwide and local elections;
4. To review the local election system having envisaged the following:
 - the possibility to vote for individual candidates ensuring at the same time the comprehensibility of the election systems and the consequences of their application for the voters, the simplicity of the vote counting, and establishment of the local election results;
 - election of town mayors in the cases, when the number of town residents entitled to vote exceeds a certain level, on the basis of the absolute (and not relative) majority election system; and
 - change of the elections systems used for district and oblast councils in such a way as to ensure that the councils formed represent the common interests of the territorial communities concerned.
5. To envisage the possibility of self-nomination in local elections;
6. To unify the legal regulation of local elections with the regulation of the nationwide elections (where such unification is technically possible), in particular through adoption of the Election Code.

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